



**Responses to Public Recommendations for Changes in the
Inland Freshwater Fishing Regulations
Received by the Fish and Game Commission
Between August 2, 2003 and August 4, 2006**

CHAPTER 1. GENERAL PROVISIONS AND DEFINITIONS

Section 1.74 –Salmon Punch Card and Steelhead Fishing Report Card Requirements

1. Halbert, Jay, 3/6/06, letter.

Suggests a score-card system for salmon sport fisherman with a two-fish daily bag limit and a twenty-fish annual limit.

Department Response: Do Not Accept.

Current regulations require a salmon punch card for all anglers while fishing for salmon in ocean waters north of Horse Mountain and in the Klamath River system. In other waters of the State, salmon harvest is managed by seasons and bag limits. Coho salmon are prohibited from being taken in all state waters. The harvest of Chinook salmon is prohibited in many of the State's inland waters. Fall-run Chinook salmon stocks in the Central Valley are generally robust. Other Chinook stocks that have reduced population levels are managed by restrictive harvest regulations through season closures or severely limited bag limits. Expansion of the current salmon punch card system would be of little value to statewide salmon management, and would place an unnecessary burden on salmon anglers.

2. Toth, William, 5/22/06, email.

Wants to know why there is not a punch card system for salmon like there is for steelhead.

Department Response: See No. 1 above.

Section 2.0- Fishing Methods—General

3. Rutledge, Bob, 06/30/04, letter.

Allow the use of 2 rods (with the purchase of a 2-rod stamp) in all California waters that are open to fishing year-round.

Department Response: Do Not Accept.

The two-rod stamp was established in the Fish and Game Code by the Legislature. Any changes to the two-rod stamp would require action by the Legislature, not the Fish and Game Commission.

Section 5.0- Black Bass

4. Belloni, Robert, 12/8/03, letter.

Change Black Bass regulations and include San Pablo Dam Reservoir under "individual Bodies of Water with Special Black Bass Regulations". The addition should include: open season- all year, regulation-12" minimum with none over 22", bag limit- 2.

Department Response: Do Not Accept.

There is no clear justification for the change. East Bay Municipal District reservoir biologists indicate that the reservoir has a robust population of large sized bass with numerous individuals greater than ten pounds. Current regulations are working well and the proposed maximum size limit is not justified.

5. Fickes, Carter, Black Bass Action Committee, 1/23/06, letter.

Review population status of black bass in Lake Oroville and consider an upgrade or change to the existing slot limit.

Department Response: Do Not Accept.

In April 2006, the Department conducted an electrofishing survey of Lake Oroville to collect length frequency data of the black bass population. The 2006 spring survey revealed that the majority size-class is 12-15 inches with a substantial increase of fish greater than 15 inches. A review of event-type fishing contests held at Lake Oroville between January and May 17, 2006 show that the average size of black bass in Lake Oroville increased approximately 130 percent. In addition, the catch-per-unit-effort has not changed. Based on electrofishing and fishing contest report data, it appears that the average size of black bass has increased under current regulations. Since the management goal has been to increase the average size of black bass in Lake Oroville, changes to current fishing regulations are not recommended.

6. Teter, Art, 3/15/06, letter.

Big Lake (Shasta County): Recommends a catch-and-release provision from the 2nd week in November through the last Saturday in April to allow bass anglers the opportunity to fish for bass.

Department Response: Accept.

The Department agrees with the request and an Initial Statement of Reasons has been prepared to amend the appropriate sections in Title 14.

7. Zeasley, Davis, 2/25/06, letter, and oral comments at Commission meeting, 8/4/06.

Big Lake (near McArthur CA): Recommends a catch-and-release black bass fishery during winter months.

Department Response: Accept.

See No. 6 above.

Section 5.30 - Crappie

8. Robey, Ed – Lake County Board of Supervisors, 8/12/05, letter.

Clear Lake (Lake County): Reduce Crappie daily bag limit from 25 per angler per day and 25 in possession to 10 fish per angler/day with 20 in possession.

Department Response: Do Not Accept.

The Department of Fish and Game has historically managed statewide crappie fisheries with no bag limit. The current 25-fish per day limit was instituted by the Fish and Game Commission in 1994 in response to a public request and was not supported at that time by the Department.

Liberal bag limits are an integral part of crappie management nationwide and the California Department of Fish and Game has consistently opposed recommendations for crappie bag limits because there appears to be no biological need to support such requests. The fisheries that crappie provide are cyclical and good years are often followed by a series of relatively poor ones. This is a natural phenomenon, which often creates the illusion among anglers that excessive crappie harvest during the “good” year is responsible for poor angling in the years that follow.

Research on crappie population dynamics suggests that further restriction of the harvest of crappie at Clear Lake would prevent the maximum use of this resource by anglers during times of plentiful stocks of fish without significantly affecting future fish production.

Section 5.75. Striped Bass

9. Lovell, Doug, 8/4/06, letter, and oral presentation at 8/4/06 Commission meeting.

A slot limit of 17 to 30 inches is proposed for striped bass. The proposed slot would probably keep abundance about the same but would provide larger fish in the population. More large-sized females would be available for spawning. Mr. Lovell claims that striped bass in the 17-18 inch range are more voracious predators than larger bass thus harvesting bass in this size range would reduce predation on other species. Preventing anglers from harvesting and consuming striped bass over 30 inches would also benefit public health because these large bass carry high concentrations of toxins.

Department Response: Do Not Accept.

The striped bass fishery is culturally- and economically-important, but the supporting population and the fishery have declined and remain at substantial risk. The primary causes of the decline appear to be environmental rather than the sport fishery. The proposed 17-30 inch slot limit includes a component (maximum size limit) that is a legitimate striped bass conservation measure and a component (minimum size limit) that is a potential conservation measure for native fishes but is potentially harmful to striped bass conservation. Because the potential conservation benefits of the proposed regulation are likely small and very uncertain, the costs associated with implementing the proposed regulations are not warranted.

10. Rutledge, Bob, 06/30/04, letter.

California Aqueduct: abolish the 18" size limit on striped bass.

Department Recommendation: Do Not Accept.

The current 18-inch minimum size limit for striped bass in the California Aqueduct has resulted in a quality fishery that anglers enjoy. Wildlife Protection personnel report that stripers in the 24-40 inch size range are being taken and the larger fish appear to be readily available to knowledgeable anglers. The current 18-inch minimum size requirement for striped bass provides a uniform regulation for area waters, including lakes and adjacent canals. Having a standard minimum size for striped bass in all area waters makes enforcement of the size requirement easier and more effective.

Section 5.80- Sturgeon

11. Brown, Ed, Yuba County Fish and Game Commission, 2/8/06, letter.

Recommends a 46"-66" slot limit, a sturgeon punch card, an annual limit of 3 sturgeon, no night fishing. Increase warden focus to sturgeon poachers; educate judges about stiffer penalties for sturgeon poaching.

Department Response: Accept with modification.

The Department is proposing regulation changes to current sturgeon regulations that include: a) no harvest of green sturgeon; b) a slot limit of 46-60 inches for white sturgeon; c) a sturgeon catch report card; d) a daily bag limit of one white sturgeon; and e) an annual bag limit of three white sturgeon. A night fishing prohibition is not justified nor being proposed. Increase warden patrols, outreach and increased fines for sturgeon regulation violations are beyond the scope of the Commission's regulatory authority.

12. Edwards, Richard, 1/30/06, letter.

Raise the fine for sturgeon poaching to \$40,000 so that it equals the fine for abalone poaching.

Department Response: Do Not Accept.

The amount for fines associated with regulation violations are determined by the Legislature, not the Fish and Game Commission.

13. Erikson, Dan, Wildlife Conservation Society, 2/17/06, letter

Recommends a zero limit on all green sturgeon and a reduction in the slot's maximum size limit to 60 inches

Department Recommendation: Accept.

See No. 11 above.

14. Kamienski, Frank, 2/4/06, letter.

Suggests initiating a tag reporting system, limit sturgeon take to 4 fish per year, initiate a creel census program at major boat ramps, and establish heavy fines for poaching and fishing with tags.

Department Response: Accept with modification.

See No. 11 and 12 above.

15. Talmadge, Steve, Flash Sport Fishing, 2/22/06, letter.

Recommends an annual bag limit of 3-5 sturgeon and a report card issued with a fishing license

Department Response: Accept with modification.

See No 11 above.

Section 7.00, General District Regulations

16. Rockwell, Mark, Northern CA Council of the Federation of Fly Fishers, 7/27/06, letter.

This is not a regulation request but an expression of concern about illegal activities by some salmon anglers: 1) catching and keeping more than one daily bag limit per day; and 2) catching and keeping a fish but later releasing or doing away with the dead fish when a larger one is caught. The suggested solution is a regulation that prevents further fishing after one salmon is caught.

Department Response:

The concern about illegal activities is acknowledged.

17. Chandler, Mark, 6/2/06, email.

Requests that trout possession limits are reduced from ten fish in possession to five in all waters where current regulations indicate a ten-fish possession limit. Mr. Chandler believes a ten-fish possession limit is excessive.

Department Response: Do Not Accept.

Allowing the possession of two daily bag limits in many trout streams and lakes has been in practice for many years. It primarily provides anyone on an extended fishing trip to legally possess more than one daily bag limit. Many anglers want to take some fish home for later consumption. Current regulations prohibit the waste of fish. Section 1.87 of Title 14 states: "It is unlawful to cause or permit any deterioration or waste of any fish taken in the waters of the state". Possession limits are chiefly a harvest allocation issue not a significant resource issue. Daily bag limits control harvest and help prevent over-harvest. Possession limits are generally a matter of convenience to the angler.

Section 7.00(b)(3) Sierra District, General District Regulations

18. Rich, Ted, 8/10/05, letter.

Mono County: Increase daily bag limits from 5 to 10. (Species not mentioned).

Department Response: Do Not Accept.

We assume Mr. Rich is referring to trout bag limits in Mono County. Current regulations during the general trout season in all waters of Mono County except those listed in the Special Regulation section provide for a daily bag limit of 5 fish and 10 in possession. These limits apply to most waters where trout are stocked. Wild trout waters often have reduced bag limits for harvest control to ensure a sustained naturally reproducing population. Several years ago, the size of stocked trout was increased from an average of about 6-7 inches to about 10-12 inches weighing about one-half pound each. In addition, cost savings measures within the hatchery system required a 20 percent reduction in production goals. Reduced production goals and larger fish resulted in fewer individual trout being stocked. Thus the justification for a five trout bag limit. The possession limit of ten trout allows an individual to possess at least five pounds of trout. This harvest allocation was deemed appropriate by fishery managers and has been accepted by the majority of the angling public for several years. There are no biological or reasonable harvest allocation justifications to increase general trout limits at this time.

19. Davis, Scott, Plumas County Fish and Game Commission, 4/18/04, letter.

Antelope Lake tributaries (Plumas Counties): Change the trout season so that it does not open until the Saturday preceding Memorial Day. This one-month extension of the closed season will protect spawning trout.

Department Response: Accept.

The Department concurs with this request and an Initial Statement of Reasons has been prepared to add Antelope Lake tributaries to the list of waters with special regulations.

20. Orange, Bob, CA Fish and Game Wardens' Association, 9/27/05, letter.

Antelope Lake tributaries: Close the tributaries of Antelope Lake to fishing until Memorial Day weekend. This would bring the Antelope Lake tributaries in line with the rest of the large Plumas County lakes.

Department Recommendation: Accept.

An Initial Statement of reasons has been prepared to delay the opening of trout season in Antelope Lake tributaries until Memorial Day weekend.

Section 7.50(b)(1)(new) Alameda Creek:

21. Kanz, Ralph, Alameda Creek Alliance, 8/1/06, letter.

Requests the closure of Alameda Creek and its tributaries below Little Yosemite Creek to all fishing all year. Alameda Creek is currently under general district regulations, open during the last Saturday in April through November 15, and a five fish daily bag limit. In the main stem of Alameda Creek above Little Yosemite Creek, the proposal requests angling restrictions to include: 1) open season during December 1 through April 30; 2) gear restrictions of artificial lures with single barbless hooks; and 3) zero bag limit. The purpose of these changes is to protect the steelhead population from excessive harvest while steelhead habitat restoration is in progress.

Department Response: Accept with Modification.

The Department agreed that trout harvest should be reduced in Alameda Creek to protect rainbow trout /steelhead juveniles. However, to maintain regulation consistency with adjacent waters and prevent added burdens to wildlife enforcement personnel, the Department is proposing a zero bag limit with a artificial lures and barbless hooks restriction during the general trout season. An Initial Statement of Reasons has been prepared to add Alameda Creek to the alphabetical list of waters with special regulations.

Section 7.50(b)(20) Big Chico Creek (Butte County):

22. a. Miller, Dana W., Chico Area Flyfishers, 8/14/05, letter.

b. Bevers, Roger, Chico Area Flyfishers, 6/7/06, letter

Mr. Miller initially proposed to allow fishing from Bear Hole to the Upper Boundary of the Big Chico Creek Ecological Reserve from October 15 through May 31. Subsequently Mr. Bevers modified the Chico Area Flyfishers proposal to allow fishing from Bear Hole to the Upper Boundary of the Big Chico Creek Ecological Reserve from November 1 through April 30.

Department Response: Accept.

An Initial Statement of Reasons has been prepared to propose the recommended regulation change.

23. Mott, Jeffery, Big Chico Creek Ecological Reserve, 7/11/06, letter.

Oppose any season modification to current regulations on Big Chico Creek. Also, requests that a fly-only regulation be adopted during the open season on Big Chico Creek.

Department Response: Do Not Accept.

The proposed regulation for the reach from Bear Hole to the boundary of the Big Chico Ecological Reserve will continue to provide protection for spring-run Chinook and steelhead trout during the most sensitive migration and spawning periods, while allowing for an extended but limited fishery due to gear restrictions (artificial lure with barbless hooks only) and a zero bag limit

(no harvest). A flies-only restriction is not warranted because studies have shown that comparisons of hooking mortality rates associated with the use of artificial lures with barbless hooks and those associated with the use of flies are not significantly different.

Section 7.50(b)(28) Bucks Lake tributaries (Plumas Co.)

- 24. Nelson, Kenneth, Board of Supervisors, Plumas County, 7/1/04, letter.**
Bucks Lake tributaries: Evaluate a later opening date to protect trout spawning runs.

Department Recommendation: Do Not Accept.

Current regulations for Bucks Lake tributaries already provide for a later trout opening date than district general fishing regulations. The purpose of the approximately one-month delayed season opening is to protect spawning trout. The general trout season begins the last Saturday in April while Bucks Lake tributaries are not open for trout fishing until the last Saturday preceding Memorial Day. The current late-May opening date for Bucks Lake tributaries appears to adequately achieve the goal of protecting spawning trout from angler activity.

Sections 7.50(b)(42.5) Cold Creek (Fresno Co.) and 7.50(b)(125) Mono Creek (Fresno Co.) .

- 25. Lewin, Robin, 10/19/05, letter; and Latta, John, 10/19/05, letter.**
Both letters were sent to Region 4 Headquarters requesting a two-fish bag limit with artificial lures with single barbless hooks in Edison Lake, and a zero bag limit in Mono and Cold creeks. The restrictions are requested to go into effect October 1. The purpose of the angling restrictions is to protect spawning brown trout migrating from the lake into Mono and Cold creeks.

Department Response: Do Not Accept.

Current regulations close fishing in Mono and Cold creeks after October 15 to protect the majority of brown trout while spawning. Although generally some brown trout spawn prior to October 15, the majority of the spawning typically occurs after October 15. The current regulations are believed to provide adequate protection to the brown trout population in both Mono and Cold creeks. The Department stocks Edison Lake with fingerling rainbow trout as a put-and-grow program. Edison Lake is managed as a rainbow trout fishery. The Department encourages anglers to catch and enjoy these fish. Restricting harvest or gear in Edison Lake would be inconsistent with management goals in these waters. The concern about illegal snagging of spawning brown trout is an enforcement issue. Snagging fish is illegal and experience has proven that regulations that are more restrictive generally do not solve the unfortunate human behavior that disregards laws and natural resources.

26. **Battista, Matthew, 4/4/06, letter received at Region 4 Headquarters.**
Requests a zero bag limit and barbless hooks in Mono Creek during October for the protection of spawning brown trout.
Department Response: Do Not Accept.
See No. 25 above for response to similar request.
27. **Garrahan, Shawn, no date, letter received at Region 4 Headquarters.**
Supports requested regulation change for Mono and Cold creeks and Edison Lake without citing specific changes.
Department Response: Do Not Accept.
The support for regulation changes are assumed to be similar to those requested in No. 25 above. See above for response.
28. **Sawaske, Spencer, 2/15/06, letter received at Region 4 Headquarters.**
Requests a catch and release fishery in Cold and Mono creeks from September 15 through October 15 to protect spawning brown trout.
Department Response: Do Not Accept.
See No. 25 above.
29. **Bushe, Derek, 10/25/05, letter received at Region 4 Headquarters.**
Requests a zero bag limit and artificial lures with barbless hooks in Mono and Cold creeks and in Edison Lake from August 1 through October 15, for the protection of spawning brown trout.
Department Response: Do Not Accept.
See No. 25 above.

Section 7.50(b)(59) Don Pedro Lake (Tuolumne Co.).

30. **Russell, Carol, Don Pedro Recreation Agency, 5/25/06, letter.**
Requests that section 7.50(b)(59) be removed from the regulations because it is no longer needed. The program through which it was implemented (land-locked salmon rearing at Moccasin Creek Hatchery is no longer in operation.
Department Response: Region 4 Recommends Accept.
The Department agrees with this request and an initial Statement of Reasons will be prepared to remove subsection 7.50(b)(59), Don Pedro Lake, from the list of waters with special regulations.

Section 7.50(b)(61)(C) Eagle Lake and tributaries (Lassen Co.)

31. **Olson, Robert, 8/9/04, letter.**
Pine Creek (Lassen County): Change brook trout limit from five per day, 10 in possession to a "no limit" brook trout limit.

Department Response: Do Not Accept.

Although brook trout are known to compete with native Eagle Lake Trout (ELT) in Pine Creek, it has never been demonstrated that fish populations can be eliminated by angler harvest. The Department is currently stocking adult ELTs in upper Pine Creek in attempt to bolster reproduction and any angling activity would be detrimental to this effort. An unlimited brook trout fishery would have unacceptable impact on non-target ELTs from hooking mortality. In addition, encouraging angler activity would present an enforcement problem of ensuring that ELTs were not being illegally harvested.

Section 7.50(b)(63) Eel River (Humboldt, Lake, Mendocino and Trinity cos.)

32. Childs, Jim, and Thorington, Bill, 8/12/04, letter.

Eel River and its Tributaries (Humboldt, Lake, Mendocino, and trinity Counties): Allow the use of bait to fish for pike minnows. He provides recommended language for each affected river section.

Department Response: Do Not Accept.

Current regulations prohibit the use of bait in anadromous waters of the Eel River. The use of bait is also prohibited in all steelhead streams statewide, except in the Smith River. The Sacramento pike minnow is a known predator of juvenile steelhead and salmon. The pike-minnow population in the Eel River has become established since its illegal introduction in the 1980's and several attempts at controlling the pike-minnow population by the Department have met with limited success. Allowing removal of some pike minnows by anglers is not expected to have significant impact on reducing the pike minnow predation problem. The use of bait would likely result in increased mortality of juvenile salmon and steelhead due to hooking mortality. The Department continues to recommend against the use of bait in steelhead waters.

33. Dunn, D.A., Eel River Sportsmen, 2/8/05, letter.

Eel River (Humboldt, Lake, Mendocino, and trinity Counties): Increase steelhead take to 1 fish per day and a seasonal limit of 6 fish per angler. Open the Eel River from its confluence with the South Fork to the Middle Fork at Dos Rios on December 1 instead of December 31st. Use the steelhead catch and release card to enforce catch limit.

Department Recommendation: Do Not Accept.

The Department concurs with the Commission's response on February 14, 2005 to your request. The Commission indicated that: "... the current regulations were adopted at the request of NOAA Fisheries, who are concerned with the take of a federally listed species. Until NOAA Fisheries determines that the steelhead stock is healthy and no longer needs to be listed, we will not be able to adopt regulations which allow for the retention of Eel River steelhead". The Eel River steelhead issue remains unchanged.

Section 7.50(b)(73.5) Haiwee Reservoirs (Inyo County)

34. **McDaniel, James, Department of Water and Power, 7/25/05, letter.**
Haiwee Reservoir (Inyo County): Close Haiwee Reservoir to all angling.
Department Response: Accept with modification.
The Department has prepared an Initial Statement of Reasons to remove Haiwee Reservoir from the list of waters with Special Regulations and allow Haiwee Reservoir to be covered under the general fishing regulations for Inyo County. This action will close the reservoir to fishing from November 16 until the first Saturday in March.

Section 7.50(b)(74) Hat Creek (Shasta Co.)

35. **McCann, James, 3/24/05, letter.**
PG&E Canal near Hat Creek (Shasta County): Open the PG& E Canal between Baum Lake and Hat Creek Powerhouse Number 2 to year-round angling.
Department Recommendation: Do Not Accept.
Current regulations allow angling in the PG&E canal between Baum Lake and Hat Creek Powerhouse No. 2 during the general trout season from the last Saturday in April through November 15. The canal is a concert lined ditch. The Department's opposition to this proposal is primarily one of regulation enforcement. Opening the canal to year around fishing would be inconsistent with other trout regulations in the general surrounding area. Having this section of water open to trout fishing when all other waters are closed would present a very difficult enforcement problem. For example, during the closed portion of the general trout season, it would be nearly impossible to determine if an angler in possession of trout caught them in the canal or the closed waters of Hat Creek.

Section 7.50(b)(91.1) Klamath River System (New River).

36. **Pace, Felice, Klamath Forest Alliance, 12/26/04, letter.**
New River (Trinity County): Close New River to steelhead fishing.
Department Recommendation: Do Not Accept
A few weeks after the Commission adopted regulations to open a portion of New River to catch and release fishing Mr. Pace wrote to the Commission objecting to allowing fishing in New River. Mr. Pace did not raise these objections at the Commission's public meetings on the subject. Although the Department opposed opening New River to catch and release fishing for steelhead in 2004, there has been too little time to adequately evaluate the effect of these regulations on the steelhead population in New River. Based on historic and current summer steelhead dive counts the population

appears to be stable. It should be noted that the Department commonly uses catch-and-release regulations to protect sensitive or listed stocks of fish throughout the state.

The MOU between the Department and NOAA Fisheries referred to by Mr. Pace was not signed by the Commission and therefore, the Commission had no obligation to adhere to it. In 2004, the Commission reasoned that relatively few anglers actually fished New River, and its remoteness and difficult access would lead to low angler use. Low angler use coupled with a catch-and-release (no harvest) fishery would have low impact on the steelhead population. This rationale still exists today.

37. Smith, Ann King, and seven others, 1/20/05, letter.

Request that the New River (Trinity County) be closed to sport fishing.

Department Response: Do Not Accept.

See No. 36 above.

38. Van Kirk, Robert, letter received 1/26/05.

Requests that New River be closed to steelhead fishing.

Department Response: Do Not Accept.

See No. 36 above.

Section 7.50(b)(95) Lagunitas Creek and tributaries (Marin Co.)

39. Arnold, Darrell, 8/6/05, letter.

Lagunitas Creek (Marin County): Open Lagunitas Creek from Highway 1 at Point Reyes Station downstream to the mouth.

Department Response: Do Not Accept.

Lagunitas Creek contains both steelhead and coho salmon populations. Both species are state and federally listed as threatened. There is an effort to restore the coho and steelhead populations in that areas and the coho run is not strong. The Department does not recommend any angling activity on these species while recovery is being attempted.

Section 7.50(b)(129) Napa River and tributaries (Napa Co.)

40. Jonathan Koehler, Napa County Resource Conservation District, 2/10/06 letter.

Move the demarcation point for the no fishing zone on the Napa River downstream from the Lincoln Road Bridge in Calistoga to the Oakville Cross Road Bridge near Yountville. Recent Chinook salmon spawning surveys have revealed that significant spawning is occurring in the reach above the Oakville Cross Road Bridge and it is currently open to fishing. The closure would protect spawning Chinook salmon.

Department Response: Accept.

The Department agrees with this proposal and an Initial Statement of Reasons has been prepared.

Section 7.50(b)(178.5) Sisquoc Creek and tributaries (Santa Barbara Co.)

41. Smith, David, 1/23/06, letter to DFG

Sisquoc River (Santa Barbara County): Regulations currently say "Sisquoc Creek" instead of "Sisquoc River".

Department Recommendation: Accept.

Responsible Party – Fisheries Branch section 100 change

Section 7.50(b)(180) Smith River drainage

42. Taylor, Benjamin, 12/28/05, letter.

Mr. Taylor requests emergency action by the Commission to prevent illegal snagging and the targeted killing of female Chinook salmon for roe in the lower Smith River, specifically an area known as Sand Hole. Mr. Taylor proposes catch-and-release only regulations for the Smith River from September 1 until the river reaches a flow of 400 cfs. Mr. Taylor also requests the Commission direct the Department of Fish and Game to increase its enforcement activities on the Smith River, particularly during low flow periods.

Department Response: Do Not Accept.

The illegal snagging problem at Sand Hole is an enforcement issue. Department fishery management and enforcement personnel are working with the Smith River Advisory Committee and the local community to address the Sand Hole illegal snagging issue by cooperatively formulating solutions rather than imposing new fishing regulations. Signs have been posted that will improve public awareness regarding compliance of Fish and Game laws and inform unethical anglers of the consequences of illegal activity. Signs read:

Protect Your Fishing Privilege
Fish Responsibly
Turn in Snaggers 1-888- DFG-CALTIP
This Area is under Surveillance
Violators Will be Prosecuted

Additionally, information will be publicized encouraging anyone observing illegal snagging activity to call in reports of snagging. The Department is planning to increase enforcement presence on the Smith River.

- 43. Wardlaw, Patt, Pacific Coast Fly Rodders, 1/25/06, letter.**
Mr. Wardlaw requests the Commission to place on a future meeting agenda the issue of illegal snagging in the lower Smith River during low flow periods. The request includes a possible “no kill” regulation at Sand Hole, and increased enforcement during low flow periods.
Department Response: Do Not Accept.
See No. 42 above.
- 44. Zinky, Dorothy, 3/2/06, letter.**
Smith River: Change the regulations to catch and release only during designated low-flow periods in the lower Smith River below Rowdy Creek.
Department Response: Do Not Accept.
See No. 42 above.
- 45. Bucaria, Charles P., Northern CA Council of the Federation of Fly Fishers, 1/24/06, letter.**
Requests the Commission adopt a catch-and-release regulation on the lower Smith River during designated low flow periods.
Department Response: Do Not Accept.
See No. 42 above.
- 46. Rockwell, Mark, Northern CA Council of the Federation of Fly Fishers, 7/27/06, letter.**
Requests the Commission adopt a catch-and-release regulation on the lower Smith River during designated low flow periods.
Department Response: Do Not Accept.
See No. 42 above.
- 47. Early, Val, Friends of Cal-Ore Fish, and 34 signatures from licensed guides, 2/16/06, letter.**
Requests additional law enforcement presence, monitoring and distribution of signs to reduce the incidence of illegal snagging on the lower Smith River instead of more drastic regulation changes.
Department Response: The Department acknowledges the recommendations. See No. 42 above.
- 48. Bowman, Bill and Souza, Ted, Friends of Del Norte, 6/8/06, letter.**
Requests that the following be considered for the Smith River:
a. Prohibit the use of barbed hooks;
b. Allow the harvest of hatchery steelhead only;
c. Prohibit salmon angling past the forks of the Smith;
d. Ban the use of natural baits;
e. Limit the number of commercially guided trips on the Smith;
f. Do not want the fishing season extended into April.
Department Response: Do Not Accept.

- a. **Do Not Accept.** The proposal to prohibit the use of barbed hooks is not accepted. The Commission adopted the regulation permitting the use of barbed hooks in 2004. Although the Department opposed this regulation in 2004, the Commission reasoned that the regulation would eliminate a hardship in enforcement and would allow enforcement to concentrate on harsher violations. Various studies reported in the literature indicate that there is no significant difference in the mortality rate of steelhead or salmon when using barbed vs. barbless hooks in fall and winter months. Since adult steelhead and salmon stop feeding upon entering freshwater, they do not typically ingest bait but “mouth” the bait or strike at it in an exhibition of aggressive behavior. Because of this behavior, the majority of adult steelhead and salmon are hooked in the mouth region and few actually swallow the hook. It is interesting to note that Oregon eliminated their barbless hook regulation after such data were presented. Since 2004, there is no known evidence that the use of barbed hooks in the Smith has caused adverse impacts on salmon or steelhead populations.
- b. **Do Not Accept.** This request is premature at this time. The Department is considering increasing the take of hatchery steelhead, however, further discussions need to occur with the Smith River Advisory Council and others to explore this issue. Rowdy Creek Hatchery is reducing its steelhead yearling production goal from 150,000 to 100,000, and this reduction needs to be considered during any discussions regarding increasing hatchery steelhead harvest.
- c. **Do Not Accept.** There is no information provided that justifies this change. The Department is not aware of any information that indicates that angler harvest of salmon above the forks of the Smith River is causing adverse impacts on salmon stocks.
- d. **Do Not Accept.** The objective of banning natural baits was not stated. A prohibition on the use of natural baits is not necessary to control harvest of salmon and steelhead. Harvest is controlled by daily and annual bag limits. If an angler wishes to practice catch-and-release fishing, the Department encourages the angler to not use bait to prevent deep hooking and facilitate the release of fish.
- e. **Do Not Accept.** There is no justification provided to limit the number of guides per day that can use the Smith River. Any development of a proposal regarding this issue would require further discussions within the local community and professional guides.
- f. **Do Not Accept.** In 2004, the Commission extended the season in the Smith River from the mouth to the main stem confluence of South Fork and the Middle Fork. The Commission’s action was based on the request of local anglers and guides to allow fishing for steelhead below the confluence and allow fishing for cutthroat trout during the month of April. Although the Department opposed this proposal in 2004, there is no known evidence that keeping the season open in this reach of the Smith River has caused adverse impacts to the steelhead population.

49. Waldvogel, Jim, Smith River Advisory Council, 7/26/06, letter.

The advisory council proposes a regulation that all adult Chinook salmon hooked and intended for release in the Smith River cannot be beached or boated by the angler prior to release.

Department Response: Do Not Accept.

While the Department recognizes the intent of this proposal is to reduce stress and subsequent mortality of salmon that will be released after being hooked, the regulation would be very difficult to enforce and may create safety issues for boat anglers. The Department has experienced difficulty in some courts with obtaining convictions on snagging citations, and the proposed regulation appears to be in a similar category. Releasing a hooked adult salmon can be difficult due to where the fish is hooked and the physical exertions of the salmon while unhooking is attempted. Unhooking a salmon while in a boat may require leaning over the side for an extended period of time that may present a safety issue for some anglers. The Department recommends working with the Smith River Advisory Council and other interested groups to develop an informational text box for regulations booklets that provides the angler with instructions on techniques for releasing salmon that prevent excessive stress.

50. Rockwell, Mark, Northern CA Council of the Federation of Fly Fishers, 7/27/06, letter.

Requests that the Commission adopt a statewide regulation that prohibits beaching or boating of fish that are planned for release. The regulation should have a provision that permits the angler to net such fish for photographic purposes.

Department Response: Do Not Accept.

This request is similar to No. 48 above except it is for all salmon statewide. The same arguments apply about the difficulty in enforcing and obtaining convictions, and the concerns for angler safety while releasing large fish from a boat (See No. 48 above). The Department publishes instructions about how to release fish in the Freshwater Sport Fishing Regulation booklet; additional instructions could be added to address the prevention of additional stress to salmon being released from boats or the beach.

Section 7.50(b)(196) Truckee River (Nevada and Placer cos.).

51. Pridemore, Trent R., Tahoe Truckee Fly Fishers, 6/29/06, letter.

Requests that the Truckee River between Trout Creek and Gray Creek be combined into a single regulation (its now in four subsections) and restrict

this reach to artificial lures only with a 14-inch minimum size limit. The season and bag limit would remain unchanged.

Department Response: Accept with modification.

The Department concurs with this request but proposes to retain the artificial flies only section in the reach from Glenshire Bridge downstream to Prosser Creek. The Department also proposes to include the reach from Gray Creek to the Nevada State line in the artificial lures only with a 14-inch minimum size limit, and two fish daily bag limit restrictions. Currently this reach is governed by general district regulations, no gear restrictions and a five fish daily bag limit. An Initial Statement of Reasons has been prepared for these proposed changes.

Lake Sonoma (Region 3)

52. Harmeson, David, Friends of Lake Sonoma Association, 4/4/06, letter.

Proposes to reduce the daily bag limit from five fish to two fish, and impose a 12-inch size limit (did not indicate minimum or maximum).

Department Response: Do Not Accept.

There is no evidence to indicate that there is an over-harvest of trout in Sonoma Lake. The trout in Sonoma Lake are a self-sustaining population of land-locked steelhead, which reproduces in several tributaries of the lake. There is no artificial stocking of the lake. Angling intensity appears to be very low compared to other lakes that are stocked with catchable trout. There is virtually no shore fishing access. The lake is large and deep, giving the fish ample opportunity to avoid the anglers. Only the more sophisticated and dedicated anglers are fishing successfully for trout in Sonoma Lake, but the issue of over-harvest has been raised regularly over the past several years.

Little Rock Creek (Region 5)

53. Surtees, Harry, 3/30/06, letter.

Requests that Little Rock Creek near Palmdale be open to fishing. Mr. Surtees claims it was closed to study the Arroyo toad.

Department Response: Do Not Accept.

Current regulations provide for fishing in Little Rock Creek during the general trout season. However, the U.S. Forest Service has restricted public access to Little Rock Creek for the purpose of protecting the population of the listed Arroyo toad. By restricting access to the creek, anglers are prevented from fishing for trout in Little Rock Creek. It is likely that the U.S. Forest Service will continue to restrict access to Little Rock Creek for the foreseeable future while protecting the Arroyo toad.

Section 8.00(b) Central Coast Streams – Stream Closures: Special Low Flow Conditions

54. Jonathan Koehler, Napa County Resource Conservation District, 2/10/06 letter.

The Napa RCD has proposed to remove the Napa River from this section, which relies on a 500 cfs trigger from the Russian River, and place it in its own section with a 15 cfs trigger based on an actual Napa River stream flow gauge. Experience has shown that Russian River flows do not relate to Napa River flows.

Department Response: Accept.

The Department has prepared an Initial Statement of Reasons to amend Section 8.00 to indicate that a stream flow gauge on the Napa River will be used to determine low flow conditions for the Napa River.